

Initial Summary of House-Passed National Defense Authorization Act

The House Armed Services Committee passed its version of the National Defense Authorization Act (H.R. 1585) on 17 May. This is a short summary of provisions which would affect the National Guard. To obtain a complete understanding of any particular provision, users are encouraged to review the actual legislative language contained in the applicable section of the law. The complete House Report will soon be available on the NGB-LL web page at

[HTTP://WWW.NGB.ARMY.MIL/LL/](http://www.ngb.army.mil/ll/)

Strength

- Army Guard authorized end strength would be increased by 1,300.
- The amount by which Reserve Components may exceed their legal endstrength would increase from 2 percent to 3 percent. Given strong recruiting, this would give the Army National Guard needed room to grow.
- The House accepted the Administration's request to lower ANG endstrength from 107,000 to 106,700.
- The House accepted the Administration's request to reduce Dual Status Military Technicians. ARNG miltechs would be reduced From FY07 authorization levels by 1,113 to a total of 26,502. ANG Dual Status Miltechs decreased by 702 to 22,553.

Changing Authority of the National Guard:

- The House bill would upgrade the position of Chief, NGB to General and make it a Senior Advisor to the Chairman, JCS, particularly on support to civil authorities during emergencies at home.
- The NGB would be designated a joint activity of the DoD rather than of the Departments of the Air Force and Army.
- The NGB charter would be expanded, reflecting current practice of coordination with federal agencies, states, Joint Forces Command and Northern Command.
- A Council of Governors would be created to advise the President on Guard matters.
- Changes passed last year to the Insurrection Act would be reversed.
- The House did not include four provisions which were in the Empowerment Act
 - This version would NOT provide the Chief, NGB with a seat on the JCS.
 - The Deputy Commander of Northern Command would NOT have to be a Guardsman, although a review of NORTHCOM billets is required.
 - The House bill would NOT count service as TAG to be significant joint duty experience for purposes of promotion
 - This version would NOT require CNGB to identify gaps between federal and state emergency response capabilities and make recommendations to SecDef on NG military assistance to civil authorities, although language supportive of such duty appears in the committee report.

- **Mixed Status Forces:** Section 1621(b) directs the Secretary of Defense to establish procedures allowing U.S. Northern Command to exercise command of National Guard forces which are not federalized but are under state control performing “full-time National Guard duty” under Title 32. The language refers to "mixed status forces" which are defined as National Guard units in title 32 status which are training or operating alongside active duty units. This provision is unnecessary, would place the Secretary of Defense in an untenable position, and may be unconstitutional.

Equipping Matters:

- The House bill would authorize \$1.13185B for the National Guard and Reserve Equipment Appropriation.
- The House bill authorizes no funds for Armed Reconnaissance Helicopters, a reduction of \$468M. If this provision becomes law the ARH program would be delayed and possibly halted.
- The bill would require the DoD to evaluate and report on NG preparedness on a state-by-state basis for homeland missions, not just war time contingencies as is currently the case.
- The DoD and the NGB are both required to report on the possibility of adding one or more Guard stryker units.
- **Joint Cargo Aircraft Delay:** The Army and the Air Force plan to put the Joint Cargo Aircraft in the National Guard. The House bill would prohibit SECDEF or SECARMY from obligating or expending funds for the development or procurement of the Joint Cargo Aircraft until 30 days after the SECDEF submits six different reports to Congress. If the Senate were to agree to this language, it would delay for up to one year the development of this important capability for the National Guard.

Personnel Benefits:

- The administration of the Montgomery GI bill for the RC would be moved from DoD to VA.
- The bill authorizes reintegration programs for the Reserve Components based on the National Guard pilot program in MN.
- There appear to be no provisions regarding earlier RC retirement.

Other Provisions:

- The bill requires that DoD be reimbursed by supported federal agencies when the NG provides support to federal law enforcement or for National Special Security Events.
- The number of National Guard and Reserve ROTC scholarships would be slightly increased to 424.

A Senate version of the NDAA is expected to be produced the week of May 21.